

AMENDED IN SENATE SEPTEMBER 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1282**

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**Introduced by Assembly Member Gray**

February 27, 2015

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An act to amend Section 19805 of the Business and Professions Code, 4800 of the Labor Code, relating to ~~gambling~~; disability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1282, as amended, Gray. ~~Gambling; Gambling Control Act.~~  
*Firefighters: disability.*

*Existing law makes a member of the Department of Justice falling within the "state peace officer/firefighter" class, as specified, who is disabled by injury arising out of and in the course of his or her duties, he or she shall become entitled, regardless of his or her period of service with the Department of Justice, to a leave of absence while so disabled without loss of salary, in lieu of disability payments, as specified, for a period of not exceeding one year.*

*This bill would make all rank-and-file and supervisory firefighters employed by Department of Forestry and Fire Protection entitled to that benefit regardless of whether the firefighter is assigned by the department to a position in fire prevention, fire suppression, or other capacity.*

~~The Gambling Control Act provides for the licensure of certain individuals and establishments involved in various gambling activities, and for the regulation of those activities, by the California Gambling Control Commission. Existing law authorizes the commission, for any cause deemed reasonable by the commission, to deny any application for a license, permit, or approval, to limit, condition, or restrict any~~

license, permit, or approval, or to impose any fine upon any person licensed or approved. For purposes of the act, existing law defines applicant as any person who has applied for, or is about to apply for, a state gambling license, or other licenses, permits, or approvals, as specified.

~~This bill would revise the definition of “applicant” to no longer include any person who is about to apply for a state gambling license, or other licenses, permits, or approvals, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4800 of the Labor Code is amended to  
2     read:  
3     4800. (a) ~~Whenever any~~ *If a* member of the Department of  
4     Justice ~~falling who is~~ within the “state peace officer/firefighter”  
5     class is disabled by injury arising out of and in the course of his  
6     or her duties, he or she ~~shall become~~ *is* entitled, regardless of his  
7     or her period of service with the Department of ~~Justice~~ *Justice*, to  
8     a leave of absence while so disabled without loss of salary, in lieu  
9     of disability payments under this chapter, for a period of not  
10    exceeding one year. This section ~~shall apply~~ *applies* only to  
11    members of the Department of Justice whose principal duties  
12    consist of active law enforcement and ~~shall~~ *does* not apply to  
13    persons employed in the Department of Justice whose principal  
14    duties are those of telephone operator, clerk, stenographer,  
15    machinist, mechanic or otherwise clearly not ~~falling~~ within the  
16    scope of active law enforcement service, even though this person  
17    is subject to occasional call or is occasionally called upon to  
18    perform duties within the scope of active law enforcement service.  
19    (b) This section ~~shall apply~~ *applies* to law enforcement officers  
20    employed by the Department of Fish and Wildlife who are  
21    described in subdivision (e) of Section 830.2 of the Penal Code.  
22    (c) This section ~~shall apply~~ *applies* to harbor police officers  
23    employed by the San Francisco Port Commission who are  
24    described in Section 20402 of the Government Code.  
25    (d) *This section applies to all rank-and-file and supervisory*  
26    *firefighters employed by Department of Forestry and Fire*  
27    *Protection regardless of whether the firefighter is assigned by the*

1 *department to a position in fire prevention, fire suppression, or*  
2 *other capacity.*

3 ~~(d)~~

4 (e) This section ~~shall~~ *does* not apply to periods of disability  
5 which occur subsequent to termination of employment by  
6 resignation, retirement or dismissal. ~~When~~ *In those circumstances*  
7 *in which* this section does not apply, the employee ~~shall be~~ *is*  
8 eligible for those benefits which would apply if this section had  
9 not been enacted.

10 SECTION 1. ~~Section 19805 of the Business and Professions~~  
11 ~~Code is amended to read:~~

12 19805. ~~As used in this chapter, the following definitions shall~~  
13 ~~apply:~~

14 (a) “Affiliate” means a person who, directly or indirectly through  
15 one or more intermediaries, controls, is controlled by, or is under  
16 common control with, a specified person.

17 (b) “Applicant” means any person who has applied for a state  
18 gambling license, a key employee license, a registration, a finding  
19 of suitability, a work permit, a manufacturer’s or distributor’s  
20 license, or an approval of any act or transaction for which the  
21 approval or authorization of the commission or department is  
22 required or permitted under this chapter.

23 (c) ~~“Banking game” or “banked game” does not include a~~  
24 ~~controlled game if the published rules of the game feature a~~  
25 ~~player-dealer position and provide that this position must be~~  
26 ~~continuously and systematically rotated amongst each of the~~  
27 ~~participants during the play of the game, ensure that the~~  
28 ~~player-dealer is able to win or lose only a fixed and limited wager~~  
29 ~~during the play of the game, and preclude the house, another entity,~~  
30 ~~a player, or an observer from maintaining or operating as a bank~~  
31 ~~during the course of the game. For purposes of this section, it is~~  
32 ~~not the intent of the Legislature to mandate acceptance of the deal~~  
33 ~~by every player if the department finds that the rules of the game~~  
34 ~~render the maintenance of or operation of a bank impossible by~~  
35 ~~other means. The house shall not occupy the player-dealer position.~~

36 (d) “Chief” means the head of the entity within the department  
37 that is responsible for fulfilling the obligations imposed upon the  
38 department by this chapter.

39 (e) ~~“Commission” means the California Gambling Control~~  
40 ~~Commission.~~

1     (f) ~~“Controlled gambling” means to deal, operate, carry on,~~  
2 ~~conduct, maintain, or expose for play any controlled game.~~

3     (g) ~~“Controlled game” means any controlled game, as defined~~  
4 ~~by subdivision (e) of Section 337j of the Penal Code.~~

5     (h) ~~“Department” means the Department of Justice.~~

6     (i) ~~“Director” means any director of a corporation or any person~~  
7 ~~performing similar functions with respect to any organization.~~

8     (j) ~~“Finding of suitability” means a finding that a person meets~~  
9 ~~the qualification criteria described in subdivisions (a) and (b) of~~  
10 ~~Section 19857, and that the person would not be disqualified from~~  
11 ~~holding a state gambling license on any of the grounds specified~~  
12 ~~in Section 19859.~~

13     (k) ~~“Game” and “gambling game” means any controlled game.~~

14     (l) ~~“Gambling” means to deal, operate, carry on, conduct,~~  
15 ~~maintain, or expose for play any controlled game.~~

16     (m) ~~“Gambling enterprise” means a natural person or an entity,~~  
17 ~~whether individual, corporate, or otherwise, that conducts a~~  
18 ~~gambling operation and that by virtue thereof is required to hold~~  
19 ~~a state gambling license under this chapter.~~

20     (n) ~~“Gambling enterprise employee” means any natural person~~  
21 ~~employed in the operation of a gambling enterprise, including,~~  
22 ~~without limitation, dealers, floor personnel, security employees,~~  
23 ~~countroom personnel, cage personnel, collection personnel,~~  
24 ~~surveillance personnel, data-processing personnel, appropriate~~  
25 ~~maintenance personnel, waiters and waitresses, and secretaries, or~~  
26 ~~any other natural person whose employment duties require or~~  
27 ~~authorize access to restricted gambling establishment areas.~~

28     (o) ~~“Gambling establishment,” “establishment,” or “licensed~~  
29 ~~premises,” except as otherwise defined in Section 19812, means~~  
30 ~~one or more rooms where any controlled gambling or activity~~  
31 ~~directly related thereto occurs.~~

32     (p) ~~“Gambling license” or “state gambling license” means any~~  
33 ~~license issued by the state that authorizes the person named therein~~  
34 ~~to conduct a gambling operation.~~

35     (q) ~~“Gambling operation” means exposing for play one or more~~  
36 ~~controlled games that are dealt, operated, carried on, conducted,~~  
37 ~~or maintained for commercial gain.~~

38     (r) ~~“Gross revenue” means the total of all compensation received~~  
39 ~~for conducting any controlled game, and includes interest received~~

1 in payment for credit extended by an owner licensee to a patron  
2 for purposes of gambling, except as provided by regulation.

3 (s) “Hours of operation” means the period during which a  
4 gambling establishment is open to conduct the play of controlled  
5 games within a 24-hour period. In determining whether there has  
6 been expansion of gambling relating to “hours of operation,” the  
7 department shall consider the hours in the day when the local  
8 ordinance permitted the gambling establishment to be open for  
9 business on January 1, 1996, and compare the current ordinance  
10 and the hours during which the gambling establishment may be  
11 open for business. The fact that the ordinance was amended to  
12 permit gambling on a day, when gambling was not permitted on  
13 January 1, 1996, shall not be considered in determining whether  
14 there has been gambling in excess of that permitted by Section  
15 19961.

16 (t) “House” means the gambling enterprise, and any owner,  
17 shareholder, partner, key employee, or landlord thereof.

18 (u) “Independent agent,” except as provided by regulation,  
19 means any person who does either of the following:

20 (1) Collects debt evidenced by a credit instrument.

21 (2) Contracts with an owner licensee, or an affiliate thereof, to  
22 provide services consisting of arranging transportation or lodging  
23 for guests at a gambling establishment.

24 (v) “Initial license” means the license first issued to a person  
25 authorizing that person to commence the activities authorized by  
26 that license.

27 (w) “Institutional investor” means any retirement fund  
28 administered by a public agency for the exclusive benefit of federal,  
29 state, or local public employees, any investment company  
30 registered under the Investment Company Act of 1940 (15 U.S.C.  
31 Sec. 80a-1 et seq.), any collective investment trust organized by  
32 banks under Part Nine of the Rules of the Comptroller of the  
33 Currency, any closed-end investment trust, any chartered or  
34 licensed life insurance company or property and casualty insurance  
35 company, any banking and other chartered or licensed lending  
36 institution, any investment advisor registered under the Investment  
37 Advisers Act of 1940 (15 U.S.C. Sec. 80b-1 et seq.) acting in that  
38 capacity, and other persons as the commission may determine for  
39 reasons consistent with the policies of this chapter.

1     (x) ~~“Key employee” means any natural person employed in the~~  
2 ~~operation of a gambling enterprise in a supervisory capacity or~~  
3 ~~empowered to make discretionary decisions that regulate gambling~~  
4 ~~operations, including, without limitation, pit bosses, shift bosses,~~  
5 ~~credit executives, cashier operations supervisors, gambling~~  
6 ~~operation managers and assistant managers, managers or~~  
7 ~~supervisors of security employees, or any other natural person~~  
8 ~~designated as a key employee by the department for reasons~~  
9 ~~consistent with the policies of this chapter.~~

10    (y) ~~“Key employee license” means a state license authorizing~~  
11 ~~the holder to be employed as a key employee.~~

12    (z) ~~“License” means a gambling license, key employee license,~~  
13 ~~or any other license issued by the commission pursuant to this~~  
14 ~~chapter or regulations adopted pursuant to this chapter.~~

15    (aa) ~~“Licensed gambling establishment” means the gambling~~  
16 ~~premises encompassed by a state gambling license.~~

17    (ab) ~~“Limited partnership” means a partnership formed by two~~  
18 ~~or more persons having as members one or more general partners~~  
19 ~~and one or more limited partners.~~

20    (ac) ~~“Limited partnership interest” means the right of a general~~  
21 ~~or limited partner to any of the following:~~

22       (1) ~~To receive from a limited partnership any of the following:~~

23           (A) ~~A share of the revenue.~~

24           (B) ~~Any other compensation by way of income.~~

25           (C) ~~A return of any or all of his or her contribution to capital of~~  
26 ~~the limited partnership.~~

27       (2) ~~To exercise any of the rights provided under state law.~~

28    (ad) ~~“Owner licensee” means an owner of a gambling enterprise~~  
29 ~~who holds a state gambling license.~~

30    (ae) ~~“Person,” unless otherwise indicated, includes a natural~~  
31 ~~person, corporation, partnership, limited partnership, trust, joint~~  
32 ~~venture, association, or any other business organization.~~

33    (af) ~~“Player” means a patron of a gambling establishment who~~  
34 ~~participates in a controlled game.~~

35    (ag) ~~“Player-dealer” and “controlled game featuring a~~  
36 ~~player-dealer position” refer to a position in a controlled game, as~~  
37 ~~defined by the approved rules for that game, in which seated player~~  
38 ~~participants are afforded the temporary opportunity to wager~~  
39 ~~against multiple players at the same table, provided that this~~  
40 ~~position is rotated amongst the other seated players in the game.~~

1     ~~(ah) “Publicly traded racing association” means a corporation~~  
2     ~~licensed to conduct horse racing and simulcast wagering pursuant~~  
3     ~~to Chapter 4 (commencing with Section 19400) whose stock is~~  
4     ~~publicly traded.~~

5     ~~(ai) “Qualified racing association” means a corporation licensed~~  
6     ~~to conduct horse racing and simulcast wagering pursuant to Chapter~~  
7     ~~4 (commencing with Section 19400) that is a wholly owned~~  
8     ~~subsidiary of a corporation whose stock is publicly traded.~~

9     ~~(aj) “Renewal license” means the license issued to the holder~~  
10    ~~of an initial license that authorizes the license to continue beyond~~  
11    ~~the expiration date of the initial license.~~

12    ~~(ak) “Work permit” means any card, certificate, or permit issued~~  
13    ~~by the commission, or by a county, city, or city and county, whether~~  
14    ~~denominated as a work permit, registration card, or otherwise,~~  
15    ~~authorizing the holder to be employed as a gambling enterprise~~  
16    ~~employee or to serve as an independent agent. A document issued~~  
17    ~~by any governmental authority for any employment other than~~  
18    ~~gambling is not a valid work permit for the purposes of this chapter.~~